

NOV. 3. 2003 5:30PM 858 792-6773 FOLEY AND LARDNER

NO. 5360 P. 1

FOLEY & LARDNER
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CALIFORNIA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEYANDLARDNER.COM

RECEIVED
CENTRAL FAX CENTER

NOV 03 2003

OFFICIAL

FACSIMILE TRANSMISSION

Total # of Pages: 15 (including this page)

TO:	PHONE #:	FAX #:
Examiner A. Holleran - Art Unit 1642 Commissioner for Patents	(703) 308-8892	(703) 872-9306

From : Stephen E. Reiter *SSR*
Sender's Direct Dial : 858.847.6711
Date : November 3, 2003
Client/Matter No : 028614-1001
User ID No : 1877

MESSAGE:

OFFICIAL

Re: Application Serial No. 09/647,661

Following are copies of:

Amendment Transmittal (3 pgs.);
Response to Restriction Requirement (11 pgs.).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To:
		Joy Day

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

NOV. 3. 2003 5:31PM 858 792-6773 FOLEY AND LARDNER

NO. 5360 P. 2

NOV 03 2003

OFFICIAL

Atty. Dkt. No. DALHO1270-2
(028614-1001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hoffman and Goodwin

Title: NOVEL NITROREDUCTASE
AND THERAPEUTIC USES
THEREFOR

Appl. No.: 09/647,661

Filing Date: 01/31/2001

Examiner: A. Holleran

Art Unit: 1642

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Stephen E. Reiter	
(Printed Name)	
	
(Signature)	
November 3, 2003	
(Date of Deposit)	

AMENDMENT TRANSMITTAL

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Applicant claim Small Entity Status under 37 C.F.R. § 1.27.
 Assertion of Small Entity status is enclosed.
 The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	36	□ 37	= 0	x \$18.00	= \$0.00
Independents:	5	□ 5	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$0.00

Atty. Dkt. No. DALHO1270-2
(028614-1001)

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Extension for response filed within the first		
[] month:	\$110.00	\$0.00
Extension for response filed within the second		
[] month:	\$420.00	\$0.00
Extension for response filed within the third		
[] month:	\$950.00	\$0.00
Extension for response filed within the fourth		
[] month:	\$1,480.00	\$0.00
Extension for response filed within the fifth		
[] month:	\$2,010.00	\$0.00
EXTENSION FEE TOTAL:		
		\$0.00
Statutory Disclaimer Fee under 37 C.F.R.		
[] 1.20(d):	\$55.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE		
	TOTAL:	\$0.00
[X] Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
	TOTAL FEE:	\$0.00

[] Please charge Deposit Account No. 50-0872 in the amount of \$_____. A duplicate copy of this transmittal is enclosed.

[] A check in the amount of \$0.00 is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such

Atty. Dkt. No. DALHO1270-2
(028614-1001)

extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to
Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address
indicated below.

Respectfully submitted,

Date: November 3, 2003

By Stephen E.

FOLEY & LARDNER
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

NOV. 3. 2003 5:31PM 858 792-6773 FOLEY AND LARDNER

NO. 5360 NOV 03 2003

OFFICIAL

PATENT
Attorney Docket No.: DALHO1270-2
(028614-1001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hoffman and Goodwin

Application No.: 09/647,661

Confirmation No.: 2441

Filing Date: January 31, 2001

For: NOVEL NITROREDUCTASE AND
THERAPEUTIC USES THEREFOR

Group Art Unit: 1642

Examiner: A. Holleran

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to
the United States Patent and Trademark Office, Washington,
D.C., on the date below.

Stephen E. Reiter

Printed Name



November 3, 2003

Date

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the Office Action mailed October 3, 2003 (Paper No. 8), please consider
the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this
paper.

Remarks begin on page 9 of this paper.